

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ORCHARD YARN AND THREAD	)	
COMPANY INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-805 (GBW)
	)	
LAST BRAND, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT’S PARTIAL MOTION TO DISMISS  
PLAINTIFF’S FIRST AMENDED COMPLAINT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) OR 28 U.S.C. § 1367(c)**

Defendant Last Brand, Inc. respectfully moves to dismiss Count IV of Plaintiff’s First Amended Complaint (D.I. 15) pursuant to Federal Rule of Civil Procedure 12(b)(6) or 28 U.S.C. § 1367(c). The grounds for this Motion are set forth in Defendant’s Opening Brief in Support of Its Partial Motion to Dismiss Plaintiff’s First Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) or 28 U.S.C. §1367(c), filed herewith.

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*/s/ Brian P. Egan*

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October 31, 2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ORCHARD YARN AND THREAD	)	
COMPANY INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-805 (GBW)
	)	
LAST BRAND, INC.,	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER GRANTING DEFENDANT’S PARTIAL MOTION TO DISMISS  
PLAINTIFF’S FIRST AMENDED COMPLAINT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) OR 28 U.S.C. § 1367(c)**

Before the Court is Defendant’s Partial Motion to Dismiss Plaintiff’s First Amended Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(6) or 28 U.S.C. § 1367(c). Having fully reviewed the record associated with Defendant’s Motion, the Court hereby GRANTS Defendant’s Motion pursuant to Rule 12(b)(6) and DENIES AS MOOT Defendant’s Motion pursuant to 28 U.S.C. § 1367(c). Count IV of the First Amended Complaint (D.I. 15) is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2024.

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HON. GREGORY B. WILLIAMS  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on October 31, 2024, upon the following in the manner indicated:

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